

REMARKS

This Amendment responds to the Office Action dated January 23, 2009 in which the Examiner rejected claim 10 under 35 U.S.C. § 101 and rejected claims 1-10 under 35 U.S.C. § 103.

As indicated above, claim 10 has been amended to be directed to statutory subject matter. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claim 10 under 35 U.S.C. § 101.

Claim 1 claims a recording control apparatus. Claim 8 claims a recording control method, claim 9 claims a computer program and claim 10 claims a computer readable storage medium. The apparatus, method, program and storage medium include extracting video and audio data for each frame for reproduction of one frame of an image, extracting frame metadata for each frame for reproduction of the frame metadata, recording the frame metadata for each frame near the video and audio data recorded for each frame so that the data are periodically arranged in a circumferential direction of an optical disk in the form of angular rings and recording a third data series onto the optical disk arranged independently of the periodically arranged first and second data series. The third data series is separately recorded in a contiguous manner and is clip metadata recorded for each clip.

By periodically arranging frame metadata on the optical disk near the video and audio data recorded for each frame and by independently recording the third data series for clip metadata for each clip, as claimed in claims 1 and 8-10, the claimed invention provides an apparatus, method, computer program and storage medium which minimizes the occurrence of a seek operation thereby achieving high-speed reproduction. The prior art does not show, teach or

suggest recording frame metadata near video and audio data on an optical disk as claimed in claims 1 and 8-10.

Claims 1-10 were rejected under 35 U.S.C. § 103 as being unpatentable over *Brook, et al.* (U.S. Publication No. 2003/0146915), *Tezuka, et al.* (U.S. Patent No. 5,206,850) and *David* (U.S. Publication No. 2002/0131763).

Brook, et al. appears to disclose in FIG. 21 a method for capturing and/or importing and storing media data. Media data is captured and is stored in a raw-clip directory. Meta-data for a file is created in the process. A raw-clip meta-data record and information is stored in a raw-clip meta-data record and this record is added by a clip manager process to a meta-data database 2120 [0277]. FIG. 24 shows a directory structure 2400 which contains all media files and their associated meta-data [0288]. A metaDB directory 2410 stores meta-data associated with corresponding clips. The meta-data is stored in five files. These files are lists of meta-data records, each record describing one meta-clip [0290].

Thus, *Brook, et al.* merely discloses a single database 2120 storing metadata. Nothing in *Brook, et al.* shows, teaches or suggests recording frame metadata near video and audio data so that the frame metadata and the video and audio data are arranged periodically on an optical disk as claimed in claims 1 and 8-10. Rather, *Brook, et al.* merely discloses storing the metadata in a database 2120.

Furthermore, since *Brook, et al.* merely discloses storing the metadata in the metadata database 2120, nothing in *Brook, et al.* shows, teaches or suggests independently storing clip metadata for each clip in a contiguous manner as claimed in claims 1 and 8-10. Rather, *Brook, et al.* merely discloses storing all metadata in a metadata base 2120.

Tezuka, et al. appears to disclose a compact disk CD having digitized audio signals recorded as a plurality of sectional program data on a rotatable disk-like recording medium. The recording format is standardized and the plurality of sectional program data are recorded together with address data along a spiral track on a main annular recording area while table-of-content data (TOC data) identifying the sectional program data in the main recording area are recorded along the spiral track in another annular recording area, turned a lead-in area. Furthermore, another annular area, termed a lead-out area, is formed around the outer periphery of the main recording area. (Col. 1, lines 15-29). The TOC data is stored in a memory during recording of the program data and after all program data has been recorded, the TOC data is read from the memory and recorded without interruption in the lead-in area 12 up to the beginning of the recording of the program data and the recording area 14. By avoiding a gap or non-recorded region between the TOC data recorded in the lead-in area 12 and the program data recorded in the main annular recording area 14, a writable record disk has a format equal to that of a conventional compact disk and may be reproduced or played back by a conventional CD player. (Col. 6, lines 20-37).

Thus, *Tezuka, et al.* merely discloses recording a table of contents (TOC) in a lead-in area of a disk. Nothing in *Tezuka, et al.* shows, teaches or suggests recording frame metadata near video and audio data so that the frame metadata and the video and audio data are arranged periodically as claimed in claims 1 and 8-10. Rather, *Tezuka, et al.* merely discloses recording a table of contents in a lead-in area of a disk.

Furthermore, since *Tezuka, et al.* merely discloses recording a TOC, nothing in *Tezuka, et al.* shows, teaches or suggests independently recording frame and clip metadata as claimed in claims 1 and 8-10.

David appears to disclose a digital video tape recorder having a tape format which records successively slant tracks on a tape medium. The slant tracks include a writeable sector storing video material, a writeable sector storing audio material and at least one independent writeable sector storing metadata associated with the audio and/or video data [0005] – [0010].

Thus, *David* is merely directed to a tape format of a tape medium. Nothing in *David* shows, teaches or suggests how to store data onto an optical disk as claimed in claims 1 and 8-10. Rather, *David* is directed to a tape medium.

Furthermore, *David* only discloses storing metadata associated with audio and/or video material. Nothing in *David* shows, teaches or suggests (a) both frame metadata and clip metadata and (b) independently storing frame metadata and clip metadata as claimed in claims 1 and 8-10.

A combination of Brooke, et al., *Tezuka, et al.* and *David* would not be possible since *David* is not directed to an optical disk. Even assuming arguendo that the references could be combined, the combination would merely suggest to store all metadata in a metadata database as taught by *Brook, et al.*, to record a table of contents in a lead-in area on a disk, as taught by *Tezuka, et al.* and to record information on a tape medium as taught by *David*. Thus, nothing in the combination of the references shows, teaches or suggests (a) periodically arranging frame metadata near video and audio data in a circumferential direction of an optical disk and (b) arranging clip metadata independently of the periodically arranged frame metadata and video and audio data as claimed in claims 1 and 8-10. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 8-10 under 35 U.S.C. § 103.

Claims 2-7 depend from claim 1 and recite additional features. Applicants respectfully submit that claims 2-7 would not have been obvious within the meaning of 35 U.S.C. § 103 over

Brook, et al., Tezuka, et al. and *David* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2-7 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

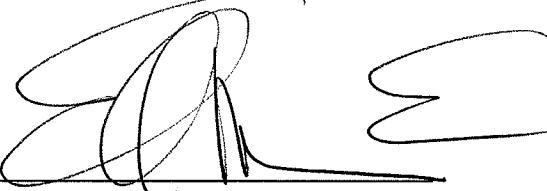
In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

Date: April 23, 2009

By: 
Ellen Marcie Emas
Reg. No. 32,131
Tel. (202) 292-1530